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C O N F I D E N T I A L LAGOS 000507

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STATE FOR AF/W, INR/AA
STATE PASS NSC FOR BOBBY PITTMAN

E.O. 12958: DECL: 12/18/2018
TAGS: [SENV](#) [PREL](#) [PGOV](#) [EPET](#) [NI](#)
SUBJECT: NIGERIA: WITHOUT GON ENFORCEMENT, IMPOVERISHED
VILLAGERS FIGHT POLLUTION IN DISTANT COURTS

REF: LAGOS 500

Classified By: Consul General Donna Blair, Reasons 1.4 (B,D)

¶1. (C) Summary: Environmental lawyer Simon Amadoubogha told PolOffs on November 18 that Nigerian states lack the capacity to enforce existing environmental legislation and all cases involving international oil companies are tried in Federal Courts, making it difficult for affected communities to bring suit. As a result of oil contamination of groundwater, only two percent of the population living in the Niger Delta has access to potable water, Amadoubogha estimated. Traditional means of subsistence such as fishing and farming have been severely negatively impacted. While environmental degradation is not the cause of the violence in the Niger Delta, it has contributed to the poverty, making many people dependent on patronage, extortion and crime. End Summary.

¶2. (C) Simon Amadoubogha, an environmental lawyer operating from offices in Port Harcourt and Yenagoa, told PolOffs while he was in Lagos on November 18 that the Nigerian legal framework contributes to environmental degradation in the Niger Delta because environmental laws, which are under the jurisdiction of Federal Courts, are not enforced. Because of the lack of enforcement, international oil companies operate without fear of sanctions for violations of Nigeria's environmental laws. Even when communities bring suits in distant Federal Courts against the companies, villagers, he claimed, rarely have the means to attend hearings in major population centers far from where the pollution is occurring. Villagers, he claimed, rarely have the means to attend hearings in these distant locations. Villagers or others attempting to enforce the environmental laws are never on an equal footing with the polluters, he said. (Note: other interlocutors point to obsolete and corroding pipelines, illegal bunkering and oil theft as the principle causes of the environmental degradation in the Niger Delta. Reftel. End Note.)

No Access to Potable Water

¶3. (C) Amadoubogha said that the ground and rainwater in the Niger Delta are seriously contaminated with oil. He estimated that only 2 percent of the population in the region has access to potable water. Amadoubogha claimed in addition to the pollution of the groundwater and the lack of water treatment plants, the rainwater which falls in the Niger

Delta has a film of oil upon it that is readily apparent when the water is collected in clean containers. (Note. Dr. Edet Ikpi, a surgeon in Cross River State, who was recently named Commissioner of Health, told PolOffs last year that he was seeing more cancer in younger patients from the Niger Delta and attributed the trend to the impact of oil pollution. End Note.)

¶4. (C) Fishing and farming have also been negatively impacted by the pollution, thereby robbing people of their livelihoods and making them dependent on patronage, extortion and crime, he said. (Note: PolOffs heard from a Western source, who had traveled recently to the Niger Delta that the fish local families shared with the source tasted "off, bad," which taste the source attributed to oil pollution. The source also described the constant roaring of gas flares and acrid smoke that they emit making breathing difficult. The Westerner also said that locals reported that it was not uncommon for some people to go for up to three days without food. End Note.)

¶5. (C) Comment: The struggle in the Niger Delta began with community protests over environmental degradation, but such protests have largely been drowned out as crime and violence spread in the Niger Delta. It is clear, however, that environmental damage has contributed directly to abject poverty, starvation and disease for the people of the Niger Delta. End Comment.

¶6. (U) This cable has been cleared by Embassy Abuja.
BLAIR